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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| MICHAEL ALAN CROOKER,<br>Plaintiff,<br>v.<br>ASSOCIATED RECOVERY SYSTEMS,<br>Defendant. | CASE NO. 08 CV 0630 JAH JMA<br><br>**ANSWER TO COMPLAINT** |

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Defendant ASSOCIATED RECOVERY SYSTEMS ("Defendant"), for itself and for no other defendants, answers Plaintiff's Complaint ("Complaint") as follows:

1. Answering Paragraph 1 of the Complaint, Defendant lacks sufficient information and belief on which to admit or deny the allegations and on that basis denies each and every allegation as stated therein.

2. Answering Paragraph 2 of the Complaint, Defendant denies harassing any of Plaintiff's relatives. As to the rest of the allegations, Defendant lacks sufficient information and belief on which to admit or deny the allegations and on that basis denies each and every allegation as stated therein.

3. Answering Paragraph 3 of the Complaint, Defendant admits each and every allegation therein.

4. Answering Paragraph 4 of the Complaint, Defendant lacks sufficient information and belief on which to admit or deny the allegations and on that basis denies each and every allegation as stated therein.

5. Answering Paragraph 5 of the Complaint, Defendant denies each and every allegation contained therein.

6. Answering Paragraph 6 of the Complaint, Defendant denies each and every allegation contained therein.

7. Answering Paragraph 7 of the Complaint, Defendant denies each and every allegation contained therein.

8. Answering Paragraph 8 of the Complaint, Defendant denies each and every allegation contained therein.

9. Answering Paragraph 9 of the Complaint, Defendant denies each and every allegation contained therein.

10. Answering Paragraph 10 of the Complaint, Defendant denies each and every allegation contained therein.

11. Answering Paragraph 11 of the Complaint, Defendant denies each and every allegation contained therein.

## FIRST AFFIRMATIVE DEFENSE

1. As a separate, affirmative defense, Defendant alleges that the Complaint, and each and every purported cause of action contained therein, fails to state facts sufficient to constitute a cause of action.

## SECOND AFFIRMATIVE DEFENSE

2. As a separate, affirmative defense, Defendant alleges that the alleged actions of Defendants were proper and did not violate any provisions of any Federal or State statute.

## THIRD AFFIRMATIVE DEFENSE

3. As a separate, affirmative defense, Defendant alleges that at all times

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mentioned in the Complaint, Defendant acted lawfully and within its legal rights, with a good faith belief in the exercise of those rights, and in the furtherance of a legitimate business purpose. Further, Defendant acted in good faith in the honest belief that the acts, conduct and communications, if any, of the Defendant were justified under the circumstances based on information reasonably available to Defendant.

**FOURTH AFFIRMATIVE DEFENSE**

4. As a separate, affirmative defense, Defendant alleges that the alleged actions of Defendant were not accompanied by actual malice, intent or ill will.

**FIFTH AFFIRMATIVE DEFENSE**

5. As a separate, affirmative defense, Defendant alleges that Defendant's conduct, communications and actions, if any, were privileged.

**SIXTH AFFIRMATIVE DEFENSE**

6. As a separate, affirmative defense, assuming arguendo that this Defendant violated a statute alleged in the complaint, which presupposition the Defendant denies, such violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

**SEVENTH AFFIRMATIVE DEFENSE**

7. As a separate, affirmative defense, Defendant alleges that Plaintiff is barred from any recovery against Defendant by the doctrine of laches.

**EIGHTH AFFIRMATIVE DEFENSE**

8. As a separate, affirmative defense, Defendant alleges that its conduct, communications and actions, if any, were privileged pursuant to Civil Code §1785.32.

**NINTH AFFIRMATIVE DEFENSE**

9. As a separate, affirmative defense, Defendant alleges that it at all times alleged in the Complaint, maintained reasonable procedures created to prevent any

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type of intentional violations of the FDCPA or CA FDCPA.

**TENTH AFFIRMATIVE DEFENSE**

10. As a separate, affirmative defense, Defendant alleges that if Plaintiff was damaged in any sum or sums alleged, which Defendant denies, then Plaintiff's damages are limited by 15 U.S.C. §1692(k)(a)(1), §1692(k)(a)(2)(A), §1692(k)(a)(3) and 15 U.S.C. § 1692(k)(b)(1).

**ELEVENTH AFFIRMATIVE DEFENSE**

11. As a separate, affirmative defense, Defendant alleges that Defendant's conduct, communications and actions, if any, were privileged pursuant to 15 U.S.C. §1692(k)(c).

**TWELFTH AFFIRMATIVE DEFENSE**

12. As a separate, affirmative defense, Defendant alleges that the alleged actions of Defendant were proper and did not violate any provisions of Cal. Civ. Code § 1788, et seq.

**THIRTEENTH AFFIRMATIVE DEFENSE**

13. As a separate, affirmative defense, Defendant alleges that their actions were privileged pursuant to Federal and State Common Law.

**FOURTEENTH AFFIRMATIVE DEFENSE**

14. As a separate, affirmative defense, Defendant alleges that if Plaintiff was damaged in any sum or sums alleged, which Defendant denies, Plaintiff failed to mitigate damages.

**FIFTEENTH AFFIRMATIVE DEFENSE**

15. As a separate, affirmative defense, Defendant alleges that if Plaintiff was damaged in any sum or sums alleged, which Defendant denies, Defendant's alleged acts or omissions were not a proximate cause of said damages.

**SIXTEENTH AFFIRMATIVE DEFENSE**

16. As a separate, affirmative defense, Defendant alleges that Plaintiff lacks standing.

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**SEVENTH AFFIRMATIVE DEFENSE**

17. As a separate, affirmative defense, Defendant alleges that Plaintiff is barred from any recovery against Defendant by the applicable statutes of limitations.

WHEREFORE, this answering Defendant prays:

1. For a judgment in favor of Defendant, and against Plaintiff, and that Plaintiff take nothing by reason of said Complaint;

2. That this answering Defendant be awarded cost of suit herein and such other further relief as the Court deems just.

DATED: April 21, 2008

By____________________________
Stephen H. Turner
Patrik Johansson
Attorneys for Defendant, Associated Recovery Systems

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# CERTIFICATE OF MAILING

I certify that on the 23th day of April 2008, I electronically transmitted the foregoing document to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Michael Alan Crooker (Pro-Se)
Prisoner No. 03631-158
Federal Correction Institution -1-Victorville
P.O. Box 5300
Adelanto, California 92301

By:/s/Stephen H. Turner

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